

JEFFERSON COUNTY COMMISSIONERS
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TOM LYTHGOE, CHAIR

DAVE KIRSCH

LEONARD WORTMAN

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
February 9, 2010**

Present: Commissioners Lythgoe, Kirsch and Wortman; Noel Mathis, County Health Nurse; Ed Krasinski, Victim Advocate; Carl Purdy, Information Technology Manager; Celia Morrison, Linda Norden

MINUTES

Commissioner Kirsch moved to approve the minutes of January 26. Commissioner Lythgoe seconded. The motion carried.

CALENDAR REVIEW

- 2/10 Boyd Andrew - Helena - noon
- TIF Board - 2:00
- MTAG - 5:00
- 2/11 CTAC - 8:00
- Meeting with Anna Cossel - 10:00
- Meeting regarding RMD language - 10:30
- Elkhorn Working Group - 2:00
- Weed Board - 6:00
- Library Board - 6:30
- 2/15 Holiday - County offices closed
- 2/16 Solid Waste board - 6:00
- DUI Task Force - 6:30

COMMISSION REPORTS

MONTANA CITY BASEBALL

Commissioner Lythgoe reported that he attended a meeting at the Montana City School Tuesday evening. Those in attendance were primarily residents of the Big Sky subdivision. They had

some concerns because the access to the proposed baseball fields is also the access to their subdivision. They have a concern with the maintenance of the road and increased traffic because it appears that the baseball fields will get quite a bit of use. Greg Dahl is also using the road to access a piece of his subdivision, but he supposedly will not be using this road after he gets a new road to his subdivision built. They had a good discussion and decided that they need to have another meeting with all of the involved parties. He made it clear that the county is not going to maintain that road.

PROPOSED WATER/SEWER DISTRICTS

Commissioner Lythgoe reported that they had a meeting with Great West on Thursday to discuss the central sewer projects that we are contemplating going to the public with, one in Clancy and one in the Montana City area. Great West has some additional work to do and will come back to us with ideas for financing. There are some grants and possible earmarks that are available for those kinds of projects. Commissioner Lythgoe noted that the county won't do anything without first going to the public, and the public would have to decide to form a sewer district.

FAIR BOARD

Commissioner Wortman reported that he attended the fair board meeting last week. They are lining up judges for this summer's fair. They are working on getting bids for the base and back wall for the bleachers. Will probably be several years before they will have the funds for the cover. Hoping to have the bleachers operational by this year's fair, and would double seating capacity. Commissioner Lythgoe asked if they have discussed revenue sources. Commissioner Wortman said that they have the \$10,000 metal mines grant as well as some matching funds from the rodeo club.

EAST HELENA CITY COUNCIL

Commissioner Kirsch reported that he went to East Helena on Tuesday with Tom Harrington to attend the City Council meeting regarding allowing Cretex to hook into the existing water and sewer line. He stated that Tom gave quite a speech to the council regarding their allowing Cretex to hook into their waterline, but it didn't change their minds. Since then he has done some investigating and Harold is looking into it, and it looks like East Helena doesn't have an easement through the property. When City-County did the planning they assumed that the property was in Lewis and Clark County, so everything was done as if it were. Because of that, the easement isn't legal.

TSEP TRAINING

Commissioner Wortman reported that on Thursday he and Carolyn Henry went to Bozeman to attend a training meeting on the TSEP program.

DYKE REPAIR

Thursday, he met with the Broadwater County Commissioners and their road supervisor at the dyke at Willow Creek. They indicated that they would consider participating in the repair of the dyke.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

SIGN VICTIM ADVOCATE GRANT

Ed Krasinski, Victim Advocate, come before the Commission to request approval of his grant request to the Crime Board. The grant application requesting \$36,000 was approved and signed.

DISCUSS AND DECIDE ON COUNTY CELL PHONE POLICY

Commissioner Lythgoe said that there was an article in the newspaper in the last couple weeks that pretty well indicated that the IRS wasn't going to be picking on anyone as it relates to cell phone use in public agencies. However, Carl still feels that it would be a good idea to have a policy in place. He has drawn up a draft policy and sent it to the elected officials and department heads. Basically, his policy has two components. One would be where the county would provide a cell phone and with that policy there would have to be some auditing that would take place by the department head and/or the elected official. Once or twice a year the department head would sit with the employee and take a random look at the cell phone usage to determine what percentage they are using the cell phone for personal use. That portion would have to be taxed.

The other option would be for the employee to purchase their own cell phone and the county would reimburse a portion of that cost. Carl has a bit of an issue with the county paying for 100% of anyone's cell phone, especially those with the high-end, higher function phones. Carl stated that if the county is going to pay 100% of a cell phone contract, then it is the county's contract. The problems that some of the users had from a confidentiality standpoint becomes a moot question because the county is paying the bill; the phone becomes a piece of equipment that is discoverable. If you have a personal cell phone and there are some business calls, only the business portions are discoverable. If the county is purchasing the phone, which he would prefer, the public is allowed to see whatever is on the phone. Carl noted a recent newspaper article which reports that President Obama wants to repeal corporate cell phone tax.

As far as the policy, Carl stated that he thinks we should have something that defines usage. If someone wants to purchase their own phone and be reimbursed, he would like to see a percentage. He doesn't feel that we need to be in a hurry to do this, because it seems that the reason we were rushing to have the policy is going to go away. Commissioner Lythgoe said that he agrees with this; there doesn't seem to be a need to hurry at this time. Carl said that there needs to be more discussion about the percentage of reimbursement. There are some that are concerned with maintaining the confidentiality of the calls on their phone. If you are using your phone for business and not charging the county, then you can be 100% confidential. If you are using your phone and letting the county reimburse you for it, then you are open for discoverability.

Commissioner Lythgoe stated that there are some that are carrying two phones – one personal and one for business. Because it appears that the taxable benefit is no longer going to be an issue, they won't have to worry about designating a certain percentage of calls as personal. We already have a basic cell phone policy. Carl said that we need something that defines usage. He

is constantly getting calls asking why employees are using their phones in certain ways. This will go away if they have a policy that outlines acceptable use.

Carl said that basically, there are two options. The county buys the phone and it is okay to make some personal calls, or you buy your own and get reimbursed for business use. Commissioner Lythgoe said that he has a problem with the second option; he doesn't know how it would be implemented. Carl said that it would be difficult to do fairly.

Commissioner Wortman stated that he would think that what they had previously talked about, covering 50% of a base plan, would certainly cover any business calls. Commissioner Lythgoe asked if 50% makes sense for the purchase of the phone and also reimbursement. Carl said that he thinks that the department can purchase equipment as needed and then it would stay with the county. If the county purchases a piece of equipment, then it belongs to the county. He noted that there are "give away" phones that come with base plans, but the equipment that he is talking about is additional charges, such as data and internet plans. Carl said that some departments have decided that they need to have e-mail capability, which necessitates a data plan. Commissioner Lythgoe said that it comes down to desire versus need.

Commissioner Lythgoe stated that most of the concerns that have come back to him from department heads and elected officials is that they don't want to be auditing the phone bills. Not sure that we would have to do any auditing if there isn't a concern that the IRS is going to come in.

Commissioner Lythgoe said that they need to discuss this in a department head meeting and involve as many people as possible.

Noel Mathis, Health Nurse, stated that his staff is on the road a lot, and rely on their cell phones. He likes the idea of the phones being business only. His staff likes the option to sign an affidavit that phone for business use only.

REQUEST FOR REFUND OF OVERPAYMENT OF TAXES – CELIA MORRISON

Commissioner Lythgoe stated that the Commission has had correspondence from Celia Morrison as well as a letter from the Department of Revenue.

The Morrisons contacted the Department of Revenue in 2009 because they felt that they were being improperly assessed for their unfinished cabin. Sally Keener from the Department of Revenue was able to do an interior review of the property and agreed that the completion factor that she had previously estimated, without an on-site review of the property, was incorrect and lowered the completion factor. This change would make a difference of \$278.50.

Commissioner Lythgoe asked Celia what she is asking for. Celia said that she would like a refund of the taxes that were overpaid in 2008.

Commissioner Wortman moved to refund \$278.50 that was overpaid for tax year 2008.
Commissioner Kirsch seconded. The motion carried.

Commissioner Wortman moved to adjourn. Commissioner Kirsch seconded. The motion carried.

MEETING ADJOURNED

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

TOMAS E. LYTHGOE, CHAIR

DAVE KIRSCH, COMMISSIONER

LEONARD WORTMAN, COMMISSIONER